IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND SIX

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**
**AND**
**THE HON'BLE MR JUSTICE D.APPA RAO**

**WRIT PETITION No.18432 OF 2006**

Between:

M/s.Mansarovar Pearls (India) Private Limited,
Rep. by its Managing Director, Mr.Satyjeet Agarwal.

**..... PETITIONER**

AND

The Commercial Tax Officer,
Saroornagar Circle, Hyderabad,
And others.

**....RESPONDENTS**

**THE HON'BLE MR JUSTICE**
**J.CHELAMESWAR**
**AND**
**THE HON'BLE MR JUSTICE**
**D.APPA RAO**

**WRIT PETITION No.18432 OF 2006**

**O R D E R**
**(Per Sri Justice J.Chelameswar)**

**The petitioner is a private limited company and a dealer in fresh water pearls and an assessee on the rolls of the 1st respondent herein under the APGST Act, 1957.**

**For the assessment year 2002-2003, the 1st respondent had completed the assessment of the company on a turn over of Rs.27,81,826/- and determined the tax liability at 1% on the above-mentioned amount. However, the 2nd respondent in exercise of the revisional power under Section 20(2) of the said Act, revised the assessment order and came to the conclusion that the petitioner is liable to pay tax at 10% of the above-mentioned turn over by his order dated 11.05.2006. Aggrieved by the same, the petitioner carried the matter in appeal to the Sales Tax Appellate Tribunal. Along with the appeal, the petitioner filed an application seeking stay of the recovery of the tax as determined by the 2nd respondent. The 3rd respondent rejected the said application by his order dated 27.07.2006. Hence, the present writ petition with a prayer as follows:**

> **"…Hon'ble Court may be pleased to issue a Writ of Certiorari or any other appropriate writ or order or direction quashing the order of the 3rd respondent in CCT's Ref.LIII(3)/575/06, dated 27.7.2006 refusing to grant stay of collection of disputed tax of Rs.2,78,183/- for the assessment year 2002-2003 (CST) as illegal, arbitrary and contrary to law and restrain the 1st Respondent from**

**taking any coercive steps for recovery of the disputed tax of Rs.2,78,183/- for the assessment year 2002-03 (CST) pending disposal of the appeal before the Sales Tax Appellate Tribunal and pass …"**

**Heard the learned Government Pleader.**

**The dispute essentially is regarding the exemption of payment of tax on the goods on the ground that they are being exported out of the country. In the circumstances, we are of the opinion that the matter requires recording and examination of evidence to be undertaken by the Tribunal in the appeal pending on its file. However, we are of the opinion that the writ petition can be disposed of at the admission stage itself by directing the respondents not to take any coercive steps for recovery of the tax pursuant to the revisional order of the 2nd respondent on condition the petitioner deposits 50% of the tax due, as determined by the 2nd respondent, within a period of four weeks from today. The amount of tax, if any, paid already with reference to assessment year in question, shall be given credit while computing the above-mentioned amount of 50%.**

**With the above direction, the writ petition is disposed of.**

---

**JUSTICE J.CHELAMESWAR**

---

**JUSTICE D.APPA RAO**

**7TH SEPTEMBER, 2006**
**PGS**

**THE HON'BLE MR JUSTICE**
**J.CHELAMESWAR**
**AND**
**THE HON'BLE MR JUSTICE**
**D.APPA RAO**

**WRIT PETITION No.18432 OF 2006**
**(Per Sri Justice J.Chelameswar)**

**7TH SEPTEMBER, 2006**